

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY L. SMITH,	)	
	)	
Petitioner,	)	
	)	Civil Action No. 12-19 Erie
v.	)	
	)	
UNITED STATES DISTRICT COURT,	)	
	)	
Respondent.	)	

**MEMORANDUM ORDER**

This habeas corpus action was received by the Clerk of Court on January 17, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 17], filed on October 22, 2012, recommended that the action be dismissed due to Petitioner's failure to prosecute. Petitioner was allowed fourteen (14) days from the date of service to file objections. Service was made on Petitioner and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 13<sup>th</sup> day of November, 2012;

IT IS HEREBY ORDERED that this action is DISMISSED due to Petitioner's failure to prosecute.

The Report and Recommendation [ECF No. 17] of Magistrate Judge Baxter, filed on October 22, 2012 is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge